

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Frederick Vastine on 01/15/09.

The application has been amended as follows:

Claims 35-44 have been cancelled without prejudice.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The instant claims are considered allowable over the prior art because prior art does not teach a process for the preparation on an industrial scale of an aqueous suspension comprising particles of an active ingredient. Applicants have successfully shown that the particles prepared by the process of the instant claims are materially different than particles made by the process described in the closest prior art document (WO 00/25746). The modified process of the instant claims, make it possible to achieve a far more efficient dispersal of active ingredient, and therefore it is possible to prepare homogenous suspensions with a distribution profile that is reproducible from one batch to the other, in a much shorter time. In addition, the said process provides for finer

particles, inside the emulsifier, that have a narrower, more homogenous particle size distribution. The data provide in Table 2 of the specification shows how particles made by two processes are materially different.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINA HAGHIGHATIAN whose telephone number is (571)272-0615. The examiner can normally be reached on core office hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mina Haghighatian/

Mina Haghighatian
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Art Unit 1616